
THE
Account Examined:
OR, A
VINDICATION
OF
Dr. ARTHUR BURT,
RECTOR of EXETER COLLEGE.

THere will shortly be Published, an Impartial Narrative of the Proceedings of the Rector and Fellows of *Exeter-College*, in relation to Mr. *Colmer's* Expulsion; and the Bishop of *Exeter's* Visitation, &c.

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OR, A
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OF
Dr. ARTHUR BURY,
RECTOR of EXETER COLLEGE,
FROM THE
Calumnies of a Late Pamphlet, Entituled,
*An Account of the Proceedings of the Right Reverend
Father in God, Jonathan, Lord Bishop of Exon,
in his Late Visitation of Exeter College in Oxon.*

By Arthur Bury, D.D.

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A
VINDICATION
OF
Dr. ARTHUR BURT,
THE
Rector of *Exeter College, &c.*

THE major part of the Fellows of *Exeter* College needeth no other Apology for their Proceedings, in relation both to Mr. *Colmer* and the *Visitor*, than a Plain Honest Narrative. But the Rector needs to be justified, not only against the Visitor's Sentence, but likewise against the Calumnies of a Pamphlet, that representeth him to the World, as worthy to be Expell'd, not only from the Government of his College, but from the Society of all Mankind, without the help of an Excommunication.

To take particular notice of every gross Falshood and malicious Insinuation, were to transcribe a great part of it. But two Cardinal Errors must not be past by, because upon them the whole Affair is pretended to have turned. 1. Mr. *Colmer's* Expulsion is not imputed to his Guilt, but to the Opposition which he made to Sir *Kingston's* Election to the Chaplain-fellowship. 2. And the *Visitation*, not to his Lordship's willingness to judge of Mr. *Colmer's* Appeal, or assert his own Jurisdiction; but to the necessity of freeing the College from an intolerable Rector; who, on his part, did not oppose it out of faithfulness to his duty, but to divert an enquiry into those Actions which could neither be denied, nor defended.

The former of these will in few words be confuted ; and the latter, by that very Account which the Author himself giveth of it.

1. With the Former he solemnly beginneth his Account, p. 15. but in so confused a manner, as plainly betrayeth his Ignorance concerning Elections in Colleges ; yea, and concerning the behaviour of the present Fellows of This very College. For had he known that three, if not all the four, of those who now consented to the Expulsion of the Rector, owe their Places in it to his kindness ; he must know, that he could be no more secure of *commanding Sir Kingston's vote*, than any other man's ; and did he understand the business of an Account, he could not think the Rector needed one Vote to make the division of the College equal, when he had the majority on his side. The truth of the Story is plainly this ; Dr. *Reynel* (late Fellow of C. C. C.) recommended to the Rector a young man of his College, whom he admired for his singular acquaintance with Books : the Rector therefore upon examination finding this to be true, had a particular eye upon his Manners ; and as he found him otherwise unblameable, so he observed him to be one of the very few that were constant at monthly Communions.

When the Chaplain-fellowship was shortly to be vacant, he received a Letter from the Chapter-Clerk of *Exeter*, informing him, That the Dean and Chapter (in whose Gift that place is) had for this time given him the nomination of it ; he therefore promised it to *Sir Kingston* : Which Mr. *Colmer* understanding, went himself, and then got as many as he could of the Fellows to write to the Dean and Chapter, praying them not to nominate *Sir Kingston*, who on his part got a greater number to write
a con-

a contrary Letter in his favour, whereby, and by the Rector's mediation, he obtained the place.

Such an Affront put upon a Rector by a Bachelor of Arts, the Libeller (judging of the Rector's mind by his own) thinks sufficient to make him declare, *That he would upon that account compass Mr. Colmer's Expulsion*: but this revengeful, malicious Old Man (as some-body charactered him) was so far from it, that he gave him not the least reprimand in word or countenance: yea, whereas he had now time to take his Degree of Master of Arts, but could not have it without the Rector's consent, and the denial of it would make him sick of his Fellowship, which would not be so advantageous to him, as the hindrance of his Practice of Physick would be prejudicial; the Rector was so far from denying it, that he did not put him to the trouble of asking it, but consulting his (then supposed) Modesty, frankly gave him his Letter to the Sub-Rector (themselves being then in *Devonshire*) whereby he had his Degree: nor did he afterward change his Countenance toward him, till he found him named Father of a Bastard.

2. The other Cardinal Falshood, viz. That the Visitation was held on purpose to free the College from an intolerable Rector, is sometimes contradicted by the Accomptant himself, particularly, *p. 11. His Lordship was sworn to preserve the Rights of his See; and This of receiving Appeals, and Visiting of Exeter College, was not only one of them, but so much the more necessary to be preserved, as his Lordship's Diocese hath a more than ordinary relation to That College.*

Again, The enormous Crimes of the Rector are sometimes made the Cause of the Visitation, and sometimes the discovery of them are gloried in as

the *Effect* of it. Were it fit to follow the Author's Example, by exposing him for his notorious Falshood, as he hath laboured to do the Rector for his pretended Crimes; he hath been very liberal in giving occasions; but this were to honour the Scribler with a supposal, That the Reader would think it worth his time to know what kind of thing he is. We shall therefore so far only take notice of him, as may suffice to clear the Rector from the Crimes objected; which come under two Heads, *Heresy* and *Immorality*.

1. Concerning his Heresy, thus talketh the young Man, that is not of standing sufficient to study Theology: P. 22. *Not long before this time, an Heretical Book, entituled the Naked Gospel, was Published by Dr. Bury, wherein he endeavours to confute the Divinity of Christ, and to expose it.* Dr. Bury denieth that he can properly be said to have Published that Book; and again, he professeth, that he never denied the Divinity of Christ. He declareth his Faith to be no other than that of the Church of *England*; and renounceth any word, which in that, or any other Book, may seem to contradict it. Yea, he thinketh manifest, that the Author of that Book is so far from denying the Divinity of Christ, that he plainly asserteth it, and that in many places; which for brevities sake may here be omitted; One, if a plain one, being in this case sufficient: And such an one we meet in Chap. 11. in the comparison which he there maketh between the *Full Assurance of a Christian*, and the *Faint Hopes of a Heathen*, in the great Article of a *Resurrection*. He considereth the great difference between the Persons in whom the One and the Other believed. *Seneca* call'd his Masters *Great Men*; but
(Faith.

(ſaith this Book) *Our Author of the Goſpel was not only Great, but Infinite.* Whatever expreſſion, unſuitable to ſo plain an Aſſertion, may drop from an haſty Pen, ought to be thereby interpreted; and imputed, not to the Author's ſetled Opinion, but his too great heat, in a Queſtion which indeed did not concern the *Divinity of Chriſt*, but the *Manner of his Generation*: For the Former was on both ſides acknowledged; the Later was the whole Subject of the Diſpute, which *Conſtantine's* Letter ſo often calleth *ſilly*.

Whoever readeth That Book with Application and Judgment, will find that the deſign of it is only to diſable Human Authority from impoſing upon our belief more Doctrines than our Lord or his Apoſtles declared to be neceſſary; that ſo, by a due confinement of Faith, Charity may be enlarged. And if this be an Hereſie, it is ſo good an one, and ſo generally embraced, that no man needs be afraid or aſhamed to own it. And in the particular Doctrine of *Chriſt's Generation*, whatever is intended in the *Naked Goſpel*, is ſummed up by Dr. Wallis, (whoſe ſtrict Orthodoxy was never yet queſtion'd) near the Cloſe of a little Treatiſe, lately by him publiſhed, concerning the *Doctrine of the Bleſſed Trinity*, in this Parentheſis, (*For neither hath God diſtinctly declared it to us, nor are we able fully to comprehend, nor is it neceſſary for us to know.*)

This once well obſerved, the Naked Goſpel muſt be acquitted from Blaſpheming the Divinity of Chriſt; and for the charge of Expoſing it, there is no other evidence pretended, but this, That he is *ſometimes ſtiled a crucified Vagabond*: He is (indeed) once, and but once ſo ſtiled, and that is in the Introduction; in which place the Author plainly per-

personateth an Infidel, that he may convince him. The Argument is drawn from the incredible disproportion between the meanness of our Saviour's appearance in his Life-time, and the Triumphs of his Cross after his Death : In which kind of Argument, by how much more emphatically the former is depressed, by so much the more powerfully the Inference is exalted, and our Saviour's Divinity proved : The Jeweller doth not diminish the value of his Diamond, when by the blackness of a Foil he setteth off its Lustre.

What followeth, *That the Godhead of our Saviour is declared to be an Impertinent and Dangerous Speculation*, is answered by the now mentioned distinction ; the overlooking whereof is the true Reason, both of the Libeller's and many other Mens mistakes. Those Fathers, who were the most earnest assertors of the Doctrine of Christ's Divinity, were also the severest censurers of Curiosity concerning the manner of his Generation, which is the proper design of this Author.

He never was either so unjust as to pretend to a *sole, unqualified, and incommunicable power* ; nor so Foolish as to claim it from those words in the Coll. Stat. *Sit unus Rector*.

That the whole System of the Socinian Doctrine, is by this Plagiary transcribed and made his own ; if it be true, is an evidence that the Rector is not this Plagiary ; for he protesteth, that in his whole Life he never spent so much time in reading *Socinian Books*, as, put all together, would amount to one day. And to some it may seem wonderful, that so young a Scribler, should be so skilful in the *Socinian Doctrines and Arguments*, when, by the Law, none under the quality of a Dean are permitted to read such Books.

If

If the Reſtor ordered this Book to be Printed, he never ordered it to be Publiſhed. If he intended to have preſented it to the Convocation, it was to have been done, not openly, but within doors; that ſo from the Principles of the Goſpel, they might be induced to enlarge their Charity, at a time when all the Chriſtian World expected it from them. If he made Alterations, it was to remove Offences, which might be taken by ſome of the Vulgar, for whom it was not calculated.

H. W E are now come to the ſecond part of the Charge, his Immoralities. P. 24. *This Book of the Reſtor's was not more complained of to the Viſitor, than his Life; and his Morals diſcredited the College no leſs than his Speculations.* A heavy Charge! But how proved? Even by the contents of ſuch falſe or frivolous informations, as were given in the Viſitation it ſelf.

The weight and truth of them we ſhall quickly find a fitter place to examine; we may at preſent judge of the honeſty of the Accountant, by obſerving how he contradicteſh himſelf, in making theſe pretended Exorbitances the Cauſe of the Viſitation, that thereby they might be reformed; and yet the Diſcovery of them the Effects of the Viſitation, wherein they were (his Lordſhip ſaith) *detected and proved.* What! Could they move his Lordſhip to undertake ſo great a trouble, before they were detected? or could they be ſaid to be *detected before him* in Viſitation, if they were ſo notorious before he reſolved to Viſit?

No leſs groſs is the Anachroniſm which followeth: *So that the Diſſentions of the Fellows, upon theſe arbitrary proceedings, grew high; and without the interpoſing care of the Viſitor, there was no proſpect of quiet*
or

or agreement. Never was there a deeper Calm in the College, till its Peace was disturbed, first by Mr. Colmer's Appeal, and then by the Visitor's Interposition. From that very day, wherein it appeared that his Lordship would be concerned, the Juniors threw off the respect which either Statutes or good Manners made due to their Seniors and Officers; and by this Visitation, the disorder is raised to such a height, as alloweth no prospect beyond it, without the interposition of a greater Power.

What followeth is ridiculous. *It was easie now (when nothing of danger appeared) to foresee, that nothing could put a stop to the ruine of the (Prosperous and Peaceful) College, but a Visitation; no other way of reforming these (unknown) enormities; or of composing these (unmade) divisions; no other method could prevent the change of this Nursery of Religion into a Seminary of Socinianism, whereof it was not in the least danger; and therefore his Lordship was resolved to strain the great trust reposed in him, by exercising a Power which none of his Predecessors ever pretended to.*

Whatever is said either before or after this, concerning the Rector's carriage toward the Visitor, can make him no more Criminal than the majority of the Society, who joined with him in every step, and that by advice of Counsel.

The proper weight of his Charge must lie in those *many enormous Crimes*, which the Visitor in his Sentence declareth to have been *detected and proved before him*, whereof we are obliged to the Accountant for a Catalogue. But they are such as may be blown off with a puff of breath without a solemn Answer.

1. *That the Rector was the reputed Author of a Book call'd the Naked Gospel (which is not proved to be either*

ther Schismatical or Heretical) *That he sat at St. Athanasius's Creed in the Chappel (twice or thrice at most) That he was generally suspected of Heresy (without any occasion by him given) And did not read Prayers so often in the Chappel, as by Statute he is obliged (yet as long as his sight enabled him to do it without Spectacles, he constantly read the Communion Service every Month.*

2. *He pretended to an Arbitrary Power over the Fellows, and put some of them out of Commons for obeying the Inhibition of the Visitor in Mr. Colmer's Case. He never pretended to an Arbitrary Power; and in Mr. Colmer's Case he did but his duty, having no better way to put him out of the College, when Expelled, than by Suspending him that kept him in it.*

3. *That he sold Places and Offices in the College, particularly those of the Cook and Butler. Those places are more profitable than the Rector's own, and therefore worth purchasing. It was done about Twenty years since; was approved of in a Visitation held about Fourteen since by Dr. Master; is countenanced by a Statute, which taking away the Mancipal's place, alloweth the Rector 10 l. 13 s. 4 d. in compensation for his loss of the advantage which had belonged to him by the disposal of it; His predecessors had openly practised it; and *Harding* himself (if interrogated) must have declared that his Father bought it of Dr. *Prideaux*. The Cook and Butler (when examined) deposed, That the Rector, when he took the Money of them, told them it must be laid out in College-building (which the Accountant thought not fit to take notice of). By valuation of Workmen it appeareth, that the Rector added to it 500 l. out of his own Purse: and he can give account of 200 l. more, not by them known.*

He proposed the illegal exaction of Bonds from the Fellows who thereafter should be Elected, whereby they should be engaged to seek no reparation if he Expelled them. To propose any thing to the Fellows is no Crime, He did this by advice of Counsel; it is practised in some other Colleges, and our present trouble maketh it advisable in ours, so to avoid fu-

ture Appeals, not if the Rector, but if the Rector and his Statutable Assessors should expel any.

4. *That he was by publick fame, upon probable Grounds, suspected of Incontinency.* For this Information he is to thank Mr. Colmer, and will answer it anon. But how can these answer their breach of Oath, who spake nothing of Mr. Colmer's Incontinence, not only upon probable grounds supposed, but by plain evidence proved.

5. *That Dr. Hearn having a Parsonage above the value limited in the Statute, kept his place contrary to the intent of the Founder.* The Rector had a controversy with Dr. Hearn concerning it; the Vice-Chancellor, now Lord Bishop of Bristol, had the hearing of it; he determined that we must not act by the intent of the Founder, but the Letter of the Statute; and that by the Letter of the Statute the Rector could not void his Fellowship: He therefore, according to his obligation, acquiesced in that Sentence.

6. *That Mr. Vivian was Elected into Mr. Colmer's place, being then full.* That Place was both vacated, and filled by direction of Statute.

7. And Lastly, *That Divinity Disputations were seldom held; The Philosophical Lectures performed by Deputies; The Catechists Duty not observed; and in short, the whole Discipline of the College neglected.* The Rector laboured hard to have Divinity Disputations duly held; but neither he nor his Predecessors could effect it; partly by reason of a Decree which obliged the Commoner-Masters to be equal therein with the Fellows; partly by absence of Fellows when their turns came. *That Philosophical Lectures were performed by Deputies, hath no colour of blame.* *That the Catechists Duty was not observed, is a crime beyond memory; the stipend being but 20 s. and the Duty not clearly express'd.* *That the whole Discipline of the College was neglected, is a Charge too general to be either Believed or Answered.*

2. After such discoveries of such Crimes, little will need to be said of the Sentence, which in Latine speaks thus, --- *Propter ejus manifestam & multiplicem Contumaciam, & circumstantiis variis aggravatam in non submit-*
tendo

tendo ſe Viſitationi noſtræ Ordinariæ ſed contumaciter ſe abſentantem (quod quidem repetundarum & criminum aliorum enormium, imò Hæreſis metu feciſſe videtur) which may thus faithfully be tranſlated into Engliſh,---For his manifeſt and manifold Conſtancy, aggravated by the concurrence of the greater part of the Society, in not ſubmitting himſelf to our Unſtatutable Viſitation, but conſtantly abſenting himſelf, which he ſeemeth to have done, for fear of being found a Benefactor to his College, and for a few other frivolous miſcarriages, part falſly ſuggeſted, part inſignificantly proved, yea, of the charitable Hereſy of the Latitudinarians, who Teach, that a Man may be ſaved if he believe all that our Saviour and his Apoſtles declared to be neceſſary.

This better deſerveth the name of an Account, for it is a faithful one ; of,

1. The Innocency of the Reſtor, in whole Twenty five years Conduct no greater faults could be found.
2. The Officious malice of the Informants, who would rather play ſuch ſmall game than ſit out.
3. The unreaſonableneſs of the Accountant, who maketh ſuch outcries for nothing.
4. The exact Juſtice of the Viſitor, puniſhing the ſame contumacy in the Reſtor with Deprivation, and in the equally guilty Fellows, only with ſuch Suspension as might diſable them from defending him ; and all by the extraordinary power of an Ordinary, now firſt heard of in the College. and practiſed upon a perſon whom himſelf had put out of his Jurisdiction if he had any.

The parity of Reason therefore which is pretended between the Reſtor's Caſe and Mr. Colmer's, alledging, that the one may no more Appeal than the other, is utterly void of Reason : For in Mr. Colmar's Caſe, both Judges and Crime are ſtatutable; but in the Reſtor's, neither the one nor the other. And his Story, That the Reſtor openly declared, that he would not acquieſce in the determination of Their Majeſties in Council, is equally void of Reason and Truth. And indeed, the Art of that Paragraph is admirable, if it can impoſe upon any conſidering Reader; for he

so wordeth it, as to accuse the Rector for declaring he would not submit to His Majesty in Council, yet excuse the Visitor in case he should do the same. *Application to Council* (saith he) *in things of that Nature, hath alway been warranted by Custom; the Precedents of their Final decisions are not few:* There's for the Rector. But for the Visitor, the softer word *Arbitrations* is added to *Decisions*; and their Orders have been usually, by mutual consent of both Parties, obeyed.—Whether their Lordships did not think this Cause to fall under their cognisance, or upon any other motive (which being things secret and uncertain, it is not proper to enquire into) their Lordships thought fit wholly to dismiss this Cause from that Board, and to refer the Visitor to the usual course of Law. All this is for the Visitor, whose Petition was dismissed in the same manner, and upon as full a hearing, as in Chancery any Complainants Bill is dismissed when his Cause appeareth to be bad. Yet was the Rector never so rudely insolent, as to say that he had laid the Visitor upon his Back.

But now, since in this entangling Paragraph things are spoken for the Power of that Honourable Board, that the Rector may appear disobedient; and some for diminution of That Power, that the Visitor may be excused; how can it be prevented that these different Assertions should not mistake their way, and so his Lordship bear the blame which was intended for the Rector, and the Rector be justified by what was intended for the Visitor? Nothing appeareth but meer confidence that his charms have so enchanted the Reader, that he cannot believe any good of the One, or any ill of the Other; and an impotent malice to the Rector, whom he would not forbear to calumniate, tho his Lordship might suffer equally with him.

But the plain matter of fact is this: His Lordship, upon the College's refusal to submit to his Visitation, made his complaint to that Honourable Board: yet now, that the College (following his example) complained of his Unstatutable Proceedings, and Her Majesty, then personally present in Council, ordered that his Lordship should send his Answer in writing with all convenient speed; which

which Order was presented to his Lordship on the 22d of *August*: yet hath he not taken any notice thereof; and those of his Party in the College say, That his Lordship declareth (as this Writer falsely saith the Rector did), That the Council hath no Power to determine it. On the contrary, the Rector always did, and still doth declare, That ever since there was a College in *England*, His Majesty's Predecessors have been acknowledged Supreme Visitors in them all; That there are many Precedents of their determinations of all kinds of Controversies, and in all kinds of ways, sometimes in Council, sometimes by references to persons appointed by themselves, sometimes by Letters, &c. But never any Precedent of mutual Consent of both Parties.

And he addeth, That however other Subjects may claim to have their Rights determined by course of Law, yet with Societies of Students the case is very different. For the continuance of dissention during so tedious a time, may probably be more mischievous to such a Corporation, than any quick Sentence. And he professeth, that were not the Interest of his College wrapt up in his own, he would rather chuse to be ruined by a speedy Order of that Honourable Board, than indemnified by keeping his College so long in the disorder it now groans under, which in half an years time will do it more mischief, than can be repaired in a whole Age.

And for his poor College, he cannot avoid pleading, that it appeareth very strange, that One should suffer for refusing to submit to a Power, which since the foundation of the College, till now, was never *Claimed*; and another triumph in refusing to submit to a Power, which till now, was never *Questioned*.

THE Rector thus vindicated from the Sentence of the Visitor, it remaineth that he be so from an Information of the Author, so agreeable to his good humour, that he cannot forbear to suggest it, tho in good manners (forsooth) the modest man will not expose it. *Concerning the fourth Article* (saith he) *three Affidavits were taken, which out of respect to the Rector's Character, it is thought fit at present to conceal.* How!

How! Three Affidavits! A Bishop by the Apostle's Rule may receive an Accusation against an Elder by Two or Three Witnesses. And if there be Three, concerning a Crime which of it self the Statute maketh sufficient for deprivation, what needs the superfluous trouble of hunting about for other petty Informations to make up an accumulative Guilt? And (which is yet more unaccountable) when the Visitor in his Sentence so apparently strainereth for a comperent Crime, why is not This once mentioned, which would make so considerable a Figure among so many Cyphers? That it was not reverence to the Rector's Character, but his Own, which made his Lordship ashamed to mention so gross a Story, and nothing but malice could tempt the Author to do it, when his Lordship had not done it in those Proceedings, whereof the Title Page professeth an Account, will appear to any honest judicious Reader by the Relation which we shall now give of it.

About 20 years since, the Rector took pity of a Country Woman of his (one *Thomasin*) who by marriage with an Idle, Drunken Fellow (one *Ferdin. Smith*) was fallen into extremity of want: he gave her such Employments in the College as enabled her to maintain Him, her self, and Children.

The Rector, with his Wife and whole Family, spent a good part of the Summer 1688. in *Devonshire*; he was obliged to be at the College at *Allhallontide*; thither therefore he came, leaving his Family in *Devonshire*, with intent to return to them as soon conveniently he could, and winter with them there. But by the happy unexpected coming of his present Majesty, then P. of O. the Country being full of Soldiers, he was necessitated to delay his return two months longer than he intended. Being therefore loath for a short and uncertain time to take a Servant into Covenant, he spake to this Woman to get somebody to keep clean his House, &c. by the week. She sent him the famous *A. Sparrow*, whom after some weeks patience he complained of, and said, he found he needed a better Servant, and one that might be in his House at all hours: To
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the same purpose also he spake to Mrs. *Wells*, who got him another, which when he told *Thomasin* of, she dissuaded him from taking her, because she was ill conditioned; and recommended her own Daughter, who had formerly been his Servant; and was then at home with her Parents. He took her, and being now a Housekeeper, took home one *Grace Weeks*, (whom at breaking up of House, his Wife had put to a Boarding-School in the Town, and kept her in his House while the Town was full of Soldiers.

Presently after *Christmas*, he returned to *Devonshire* to his Family, and soon after his return thence to *Oxford*, he found this Woman's Husband so impudent as to take upon himself to Father a Bastard, tho it were plain he was in *Cornwall* when it was begotten; and to refuse to answer such Questions as the Rector proposed to him in order to the finding out the True Father; The Woman her self also prevaricating in her Answers, he took away one of her Places, threatening to deprive her of the other also, if her Husband would not undergo examination upon his voluntary Oath, or otherwise discover the True Father of the Bastard; and after some months time was as good as his word, notwithstanding some threats which were brought him from her, of something that should be sworn against him.

When his Lordship came with such an high hand to visit the College, and everyone doomed the Rector to expulsion; whether in hope of favour from the Future Rector, or an itch of revenge upon the Present, or to gratify their good Master *Colmer*; or whatever other Reason, the Mother, Daughter and Son, combine to disgrace and ruine their Old Master.

The first and greatest blow was to be given by the Daughter, who would swear that he tempted her to Incontinence at the time when she was with him in the House, above a year and half past; he being at that time threescore and five years old.

As soon as this Trull discovered her intent, two of the Seniors, and two of the Juniors of the Visitor's Party made this Address to him.

May

May it please your Lordship,
We whose names are under-written, do humbly beseech Your Lordship, not to give credit to, or take any notice of the Testimony of Mary Smith, or any of her Relations, in order to the proving Mr. Rector guilty of Incontinence with her, or any other : for we are verily persuaded it is a mere Forgery, and done out of Malice.

Rich. Hutchins, } } Hen. Northcot,
 Rob. Ratcliff, } } Fran. Webber.

This is a competent Answer to Mr. Colmer's 4th Article : For if the Rector were before this *by publick fame, upon probable grounds, suspected of Incontinence* ; that must have made the present Information credible, so far at least, as to have discouraged them from such an interposition.

The Daughter's Affidavit is indeed very particular ; and that it might be strengthened by some auxiliary Evidence, *Grace Weeks* is vouched for a Witness, and a Mole in the Rector's Foot for a Token. *Grace Weeks* the Visitor very kindly examined, exhorting her not to spare the Rector, because it would be for his good to have his Lewdness discovered : but finding her constant in clearing him, believed (it seems) his Compurgators had reason for their confidence. Yet he constantly interrogated all that were brought before him, and had used to come to the Rector's Lodgings, Whether they knew any ill concerning him ?

The Mole is no competent Token, for it is proved not to have been a Secret.

The Mother's Affidavit voucheth Mrs. *Wells* and Goodwife *Harper* : The former cleareth the Rector by Affidavit ; the other by Word before Witnesses, there being no means to compel her to make Oath, and she being fearful to be undone, as others had been, if she should do it voluntarily.

The Son telleth an insignificant Tale of the Rector's sitting in a Settle, and then going out into the Kitchen with one *Martha Wotton*, who maketh Affidavit, That she believeth the Rector to be as chaste as any man whatsoever.

This

This good Family have neglected no means to get some strengthening to their own suspected Testimonie, they have hunted about the Country, to try if by any means some one that had lived in his Family might be brought to Witness against the Doctor Particularly *Joan Richardsen*, the Sister of one *Elizabeth Terry*, told one *Elizabeth Austin* that *Thomasin Smith* came to her Mother and her, to enquire where the said *Betty Terry* lived, and asked if they thought she could say any thing against Doctor *Bury*, which if she did, she should be well rewarded: But the said *Joan* told the said *Elizabeth Austin*, that she would not tell the particular reward which was offered. This *Elizabeth Terry* testifieth that she lived in Doctor *Bury's* House a whole year, and never saw any immodest or indecent carriage in him toward her self, or any other body. But poor people affrighted at the undoing of others for swearing truth, though compelled to it by Warrant from the Vice Chancellors Court, are very hardly induced to say any thing, for which reason the Mother and Sister of *Elizabeth Terry* will not speak what they know.

Lastly. Since the whole force of the Accusation dependeth upon the single and contradicted testimony of one Wench, it is worth heeding that she is an infamous lying Creature, and proved so by some Affidavits annexed, to which many more might have been added had there been need.

And now what more in such a case can be expected to clear an innocent man, from the malicious slander of a Revengeful Woman? The Rector superannuated, the Wench infamous, the whole Family revengeful, every word of either of their testimonies disproved, endeavors used to get others to cor-

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roborate their lying accusations, the Visitor convinced, &c.

Though the Rector hath met with as much severity in the world (perhaps) as any man of his quality, yet he hath reason to expect that this scandal should rather turn to his Credit, than Disgrace, notwithstanding the sticking quality of this kind of filth.

A *And now before he leaveth the Stage,* on which the Authors malice hath exposed him, it is thought fit to give some account how he hath provoked the Younger, Loofer, and Busier Part of the University, to persecute him as they do.

When *Oxford* was rather a Garrison than an University, he did his little to serve King *Charles I.* by labouring in the Works, and watching in the Guards, as a Souldier in the University Regiment. When the prevailing Party sent Visitors to the University, he refused to submit, and for that, and reading Common Prayer in the Chappel, was driven out of Town by a file of Musquetiers. (What malignant Star visited this poor mans Birth, that He only since the Creation of the World should be twice expelled out of the same Colledge for the same Crime (I should have said Merit) faithfulness to his Dury.)

Thus expelled from his Fellowship, he went into the Country, where with his sequestred Father, without any sinful compliance with the prospering Party, he weathered out that troublesome time.

Upon Restauration of the Kingly Government, he was proffered preferment more than eight times the value of this Rectorship : But just in the nick,
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some of the Fellows (whereof one was Mr. *Paynter*, his new elected Successor) made complaint to the then Bishop of *Exeter* (Doctor *Ward*) that the Rector must be removed, or the Colledge ruined. The present Rector was by a Friend persuaded that it would be a very meritorious Work if he would take the place: It was contrived that he should quit his proffered preferment, part whereof should be given to the Rector in exchange for his Rectorship: In this agreement the Society of the Colledge had not been consulted, and when it came to be put in practice, would not consent to it, none more opposing it than Mr. *Paynter*, who thereby lost the pleasure of seeing a Rector expelled.

This present Rector therefore begged the Bishop to leave him to his former course: He said he was ready to exchange a Preferment that would maintain him, for one that would need maintenance; but he was loth thereby to purchase an uneasie life among those that would hate him for it. The Bishop was too far engaged to retire, expressed great anger against the now Rector for mentioning it, and brought him to the Arch-bishop (*Sheldon*) who promised, that when he had done this good office, he should not be long left in the place. He was therefore constrained to submit to be elected upon the King's Mandate.

This made him lookt upon as an enemy to the priviledges, not of this Colledge only, but of the whole University: And though in the One by his Conversation and Conduct, he overcame this prejudice, yet he findeth himself not pardoned by the Other.

Thus in recompence for having been banished out of his Colledge for Loyalty, he was banished

into it for Generosity; obliged to add three pence of his own to every penny he received for his maintenance in that Station; wherein notwithstanding, he sat down contented, without the least endeavour for advancement.

And as for his behaviour in that costly place, this is the sum of his Socinianism and Arbitrary Government. He publickly in the Chappel told the whole Colledg, that by the Canons of the Church, they were obliged to bow at the Name of *Jesus*; and whereas formerly there had been only annual Communi-
ons at *Easter*, he made them monthly, himself al-
ways Consecrating.

Whereas they used in rustick manner to sit when Psalms were reading, he assumed not Arbitrary Power to Command, but Perswading some of the best enclined to joyn with him; by his own and their example he shamed the rest, and so brought all to stand up. Whereas there had used to be a Psalm in rhythm sung after the Chapter, he caused the Hymns regularly to be read: And hoping to get them sung as they are in some Colledges in *Cambridge*, at his own cost set up an Organ in the Chappel: But this design failed, partly for want of maintenance for an Organist, partly because the company joyn not their voices when there is one.

This is the true account of his *indifference to Orders in the Chappel*, objected by the Libeller.

Then for *Discipline* in point of *Manners*: Whereas Tutors had long neglected to bring their Pupils to Prayer in their Chambers, or take any other account of them at night, by which neglect they had free liberty to be drunk: To supply this defect, he proposed to the Society, and had their consent, to have Prayers in the Chappel at nine of
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the Clock; where by having a view of every one that was present, and a Note of every one that was absent; and by exacting an account of the reason for which the absent were so, he immediately effected a visible change in point of Sobriety, which continued till this Visitation did not only Slacken but quite Break the reins of Government, and then the young men took liberty to be more debauched than ever, and in gratitude joined together against the Ruler and other Officers. For œconomy, he found the Colledg plunged in debt, but had now not only freed it from debt, but stocked it with some Money to defray the Expences which our Patron doth now necessitate us to undergo. His own Lodging was so uninhabitable, that he was fain to hire the House which his Predecessor (*Dr. Prideaux*) built, designing to leave it to his Successors, but necessitated to leave it to a Daughter. He so altered and enlarged it, as to double his Lodging, and make it suitable (at least) to the quality of the Inhabitant.

Colledg Chambers were so scarce and bad, that a Fellow must have six or seven Juniors before he could have one free to himself, as every one now hath by raising a Pile of Building upon a disgraceful waste corner. This was done partly by Contributions of Gentlemen that had formerly been of the Colledg, partly by Entrance-money of Fellow-Commoners with consent of the Society, partly by the Rector's own.

And for a further reception of young Gentlemen, and augmentation of the Rector's Maintenance by the Rents, out of his own Purse he added an equal Pile of Buildings adjoining thereto.

Thus hath this unhappy Man spent and been spent about five and twenty years, to the impoverishment

rishment of himself, as well during the whole course of his Government, as at his first entrance upon it; and his love to his Colledg is so unalterable, that however grievous it may seem to leave those advantages to a Competitor, which he purchased for his lawful Successors; yet he would rather do it, than be an occasion of damnifying his beloved Colledg by an expensive defence of his right, were it not a greater damage to it, to be spoiled of its Priviledges than to spend its Money.

Depositions and Certificates.

The Deposition of Grace Weeks, Spinster, taken before Sir William Walker Knight, one of their Majesties Justices of the Peace for the City of Oxford, September 13. 1690.

THis Deponent saith, that while she was lying in Bed with *Mary Smith* in the Rector's Lodgings at *Exeter Colledg* in *Oxford*, she the said *Mary* did tell her the said *Grace*, after her awaking in the night, that some person had come into the Bed where they lay; but she, the said *Grace*, did neither see, nor feel, nor hear any such person; and she then told the said *Mary* so, who then said to her, perhaps it was *Richard* (meaning the Rector's Servant of that name) and if so, said she, we shall know to morrow.

And she doth further Depose, That Dr. *Bury* did never shew any uncivil, or unbecoming behaviour towards her the said *Grace*.

And this Deponent doth further say, That when she was Summon'd by the Bishop of *Exeter* in the late

late Visitation at the said Colledg, and Examined by his Lordship, whether she knew any lewdness by the Rector, she the said *Grace* replied, That she never did; and she did then offer to swear so much; but his Lordship said, being a Gentlewoman she should be dismissed.

And she doth moreover Depose, That she having blamed the said *Mary Smith* at the time of the said Visitation, for her Information against Dr. *Bury*, as being false, she the said *Mary* replied to her, Malice shall have revenge.

Grace Weeks.

Die & Anno prædict' supra scripta Gratia Weeks Juramentum prestitit, tactis per eam, & deosculatis S. S. Christi Evangelii coram prefato Venel' Viro Gulielmo Walker milite de veritate permissorum.

Ita testor Ben. Cooper Not. Publicus.

The Deposition of Mary Wells Wife of Thomas Wells, Cook, taken before Sir William Walker one of their Majesties Justices of the Peace for the City of Oxford, upon Oath, Octob. 8. 1690.

THIS Deponent saith, That she lived as Servant about seven years in the Family of Dr. *Bury* Rector of *Exeter* Colledg, and has much frequented his House for about twelve years since she left his Service, and in all that time she never knew any dishonesty by the said Rector; or that he had ever shewed the least indecent behaviour towards her,

her, nor did she observe him to be rude to his Servants, or to use any immodest words, but that he was of a sober and regular Conversation, and took great care that his Servants should frequent the Church and Prayers. And this Deponent further saith, That when *Katherine Wakeham*, being a Servant in the Rector's Family together with this Deponent about twenty year ago, did appear to be with Child, she the said *Katherine* being call'd upon to declare who was the Father of her Child, did answer, that the Father of the Child should himself confess it, as this Deponent was then inform'd; and she saith, that the next Evening after, while this Deponent was drawing Drink in the Cellar of the Rector's Lodgings, a young man who waited upon the Rector came to her, and with trembling begged her to make his peace with the Rector and his Wife, or he should be undone, for that *Katherine Wakeham* had laid her Child to him. To whom this Deponent replied, That she believed then that he was the Father of it; whereupon he confessed to this Deponent, that he had lain with the said *Katherine* several times. And this Deponent also saith, That the said *Katherine* did declare him, the said young man, to be the Father of her Child; and though this Deponent did press the said *Katherine* to own whither she had lain with any other man besides him the said young man, yet she did not own to her that she had, nor to any other that she heard of. And this Deponent saith, That she did always think that the said young man was Father of the said *Katherine's* Child; and that he provided for it, and that after it did appear the said *Katherine* was with Child, and that the said young man was Father of it, they were both on that account turned out of the Rector's Family,

mily, and that she never knew any of the Rector's Servants happened to be with Child besides *Katherine Wakeham* afore said.

The Mark of *Mary Wells*.

In Cancellar'

M *Artha* the Wife of *John Fagoe*, Clerk, and Daughter of *Robert Wotton* of *Oxford*, maketh Oath, That she never did know Dr. *Bury* Rector of *Exeter* Colledg, to be guilty of any immodest Carriage in word or deed; But she believeth him to be as chaste and honest as any man whatsoever.

Jurat' apud Wendron in Com'
Cornub' Vicefimo quarto die
Septemb. Anno Dom' 1690.
Coram me

Martha Fago.

Rich. Remfry

The Deposition of Mrs. Frances Guise of Abload's Court in Gloucester-shire, taken upon Oath before Sir William Walker, one of Their Majesties Justices of the Peace for the City of Oxford, September the 18th. 1690.

THis Deponent saith, That living in the Rector's Lodgings of *Exeter* Colledg in *Oxford*, that *Thomasin Smith* (Mother of *Mary Smith*) when the said *Thomasin Smith* was in danger of being turn'd out of her Employment in the said Colledg, came

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to this Deponent and threatned, that if the said *Thomassin* and her Family were put out of the Colledg, there would be Swearing against the Rector: And this Deponent asking her, what would be Sworn? she the said *Thomassin* answer'd and said, that the Rector had come to bed to her Daughter Mary and Mrs. *Grace Weeks*; upon which this Deponent went immediately to the said Rector and acquainted him with what *Thomassin* had said, and the said Rector reply'd, he would not be frighted out of his duty, and this Deponent pressing the said Rector, what ground there was for it? he answered, Nothing but pure malice and invention: But, said he, for your satisfaction, ask *Grace Weeks*, which accordingly this Deponent presently did; and the said *Grace* did protest to this Deponent, that if she was to die the next minute she did not know that ever that Rector came to bed to her, and the said *Mary Smith*; but only that *Mary Smith* told her one night, that she thought that some one had been in the Bed with her, and that they two had talked together their several imaginations. This Deponent further saith, that before and after that time she hath seen the said *Thomassin* very much enraged against the said Rector, saying he would and had taken away the Bread out of their Mouths, and could do them no greater spight, unless he would hang them. And this Deponent further saith, That several years past she has seen the Mole in the said Rector's Foot, and hath often heard him say, That if he was lost, he might be known by that Mark.

Jurat coram me
William Walker.

Frances Guise.

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The Deposition of Elizabeth Weeks spinster, taken before Sir William Walker Knight, one of their Majesties Justices of the Peace for the City of Oxford, September the 18. 1690.

THis Deponent saith that about two years since as she was waiting upon the Rector of *Exeter* Colledge, and his Wife : Her Master and Mistris at their going to bed, she saw the Mole on the foot of her said Master, and that she did not think it to be a secret.

Jurat coram me
William Walker

Elizabeth Wyks.

The Deposition of Edward Strickland Apothecary in Oxford, taken before Sir William Walker Knight one of their Majesties Justices of the Peace for the City of Oxford, September 18. 1690.

THis Deponent saith that *Mary Smith* having been for some short time Servant in his house, was while she lived there very much addicted to lying, and did practice it so frequently, that those of the family could not believe any thing that she said, and this Deponent further saith, that the said *Mary* did use to keep ill company, and particularly that she went from the house of him the said *Edward* with a young man, who was said to be expell'd from his Colledge, and that she staid away all night, and did never return again to her Masters service.

Jurat coram me
William Walke

Edward Strickland.

The Deposition of Mary Strickland of Oxford taken before Sir William Walker Knight one of their Majesties Justices of the Peace for the City of Oxford, September 18. 1690.

THis Deponent saith that she observed of *Mary Smith*, who lodged at her house while she was servant to *Edward Strickland*, her Son-in-law, that she was so much addicted to lying that no credit could be given to any thing that she said; and this Deponent further saith, that the said *Mary* used to keep ill company, and also that she was much given to swearing, and that she did endeavour to get belief to her lies by addition of Oaths.

Jurat coram me

William Walker.

Mary Strickland.

I *Catherin Wiggins* of *St. Peter's*, in the East, in the City of *Oxon*, do certifie all persons to whom those Presents shall come that *Mary Smith* daughter of *Ferdinando Smith*, my late Boarder, and Scholar is of a loose Life, and Conversation much addicted to Swearing and Lying, wishing sad wishes upon her self and others, and told me she was a Night-Walker, and burnt eighteen Faggots in one night, and confessed that she with her confederates stole from me a Vessel of strong beer, which Vessel of strong beer was stolen from my house, and many of my School-Scholars were kept from me, as I conceive by reason of her dishonesty and ill behaviour, and I had several other goods taken out of

of my house feloniously whilst she was with me,
all which I do say, and can safely depose upon my
Oath to be true, Dated under my hand September
22. 1690.

Catherin Ann Wiggins.

The day and year abovesaid, the said *Katherine Wiggins* came before me, and did voluntarily depose that the aforesaid Certificate is Truth:

Richard Hawkins, Mayor.

A *N^e Hale* of the Parish of *St. Peter*, in the East in *Oxon*. Spinster, the day and year abovesaid deposeth that the said *Mary Smith*, acknowledged that she and her Confederates stole a vessel with strong beer from the house of the said *Catherine Wiggins*.

Ann Hale.

Jurat die & anno super dict. coram me

Richard Hawkins, Mayor.

I *Anne Harper* the wife of *William Harper* of the City of *Oxford* Maltman do hereby certifie all whom it may concern, that I never had any acquaintance with *Dr. Bury* the Rector of *Exeter Colledge* neither did I ever see him unless it were in the Streets: Nor did I ever know any harm of him in all my life: Nor did I tell any ill thing of him to *Thomas Smith*.

All this was owned to be true in presence of us

Frances Guise

October 9th. 1690

Ben. Archer

Elizabeth Wykes

October

Octob. 9. 1690

THese are to Certify all whom it may concern that I *Elizabeth Terry* lived as a servant in Dr. *Arthur Bury's* lodgings at *Exeter Colledge* a whole year and in all that time did see no indecent or immodest behaviour of the said Dr. *Bury* towards me or any otherbody, which I am ready to testify upon Oath when I am thereunto lawfully called.

The mark of *Elizabeth Terry*.

I *Elizabeth Austin* wife of *William Austin* Butcher of the Town of *Cumner* in the County of *Berks*, do certify whom it may concern that *Joan Richardson* Sister of *Elizabeth Terry* told me that *Thomasin Smith* came to her Mother and her to enquire where the said *Betty Terry* lived, and askt if they thought she could say any thing against Dr. *Bury* the Rector of *Exeter Colledge*, which if she did do she should be wellrewarded; But the said *Joan* did say that she would not tell me what they were offered. Witness my hand.

Octob. 11. 1690. The mark &c.

The Deposition of Elizabeth Roberts Widow taken before Sir William Walker Knight one of their Majesties Justices of the Peace for the City of Oxford, upon Oath October the 9 1690.

THis Deponent saith that she did never use any means for perswading *Ann Sparrow* to lay her Child

Child to Mr. Colmer or any other man; and she farther saith, that when she was sent for by the Lord Bishop of *Exeter* at the time of his late Visitation in *Exeter* Colledge there was nothing objected against her concerning *Ann Sparrow* nor any question put about her. But that this Deponent was then asked whether she knew any harm (or words to that effect) of the Rectors house, to which this Deponent answered that she did not, and was thereupon dismissed. And this Deponent saith further that when *Ann Sparrow* was in *Oxford*, she asked her the said *Ann Sparrow* if ever she had perswaded her to lay her Child to Mr. Colmer, to which she answered that she never did, nor did she ever say so.

The Mark of *Elizabeth Roberts.*

The Certificate of Richard Hedges Cook,
October 9th 1690.

I *Richard Hedges* Cook of *Exeter* Colledge do declare that in the presentment which I delivered into the Bishop of *Exeter*, at his late visitation of *Exeter* Colledge I did say that I gave Mr. Rector fifty pounds for my place, which he told me was to be laid out upon the new buildings of the Colledge, these are the words as near as I remember, but that this is the substance of them I am ready to make Oath when I am thereunto lawfully called: Witness my hand.

Richard Hedges.

I *William Newe* Butler of *Exeter* Colledge do hereby certify that at my admission into the said Office I paid to Mr. Rector one hundred and seventy pounds.

Pounds. And he said it should be laid out on building in the Colledge.

William Newe.

WE whose names are underwritten having viewed the new Buildings in *Exeter Colledge*. Erected by Dr. *Arthur Bury* Rector of the said Coll. at his own cost, namely the Building at the West end of the Chappel, the Addition made to the Rector's Lodgings, and the new Stable, according to our best Estimation judg the charges of all the said Buildings to be as followeth;

The Building at the West end of the Chappel , four hundred sixty nine pounds four shillings and two pence.

The Addition to the Rectors Lodgings, two hundred and sixty pounds.

The Stable and Sadle house fifty pounds.

The whole sum, seven hundred seventy nine pounds four shillings and two pence.

The Valuation of the charges of the Buildings above mentioned was given in upon the respective Oaths of the Persons, whose names are under written before Sir *William Walker* one of their Majesties Justices of the Peace for the City of *Oxford*, September 13. 1690.

John Townsend, Mason.

William Collisson, Capenter.

John Wiggins, Plaisterer.

Ita Testor Ben. Cooper Not. Publicus.

F I N I S.

